



# Agenda

Meeting: **Constitution Working Group**  
Date: **18 December 2023**  
Time: **11.00 am**  
Place: **Zoom – Remote meeting**

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BUT WILL BE STREAMED LIVE TO**  
<https://bit.ly/YouTubeMeetings>

To: Councillors Mrs Jennifer Hollingsbee, Jim Martin, Connor McConville,  
Tim Prater and Paul Thomas

1. **Apologies for absence**
2. **Declarations of interest**
3. **Minutes**

To agree as a true record the minutes of the meeting held on 15  
November 2023.

4. **Discussion led by David Kitson of Bevan Brittan**

To consider:

- Levels where an item needs to come before a Committee, and key decision levels.
- The role of the Chair/Vice-Chair and spokespersons.
- Plans for consultation.

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# Minutes

## Constitution Working Group

Held at:	Remote meeting (Zoom)
Date	Wednesday, 15 November 2023
Present	Councillors Mrs Jennifer Hollingsbee, Jim Martin, Connor McConville, Tim Prater and Paul Thomas
Apologies for Absence	None.
Officers Present:	Ellen Joyce (Democratic Services Trainee), Amandeep Khroud (Assistant Director), Susan Priest (Chief Executive) and Jemma West (Democratic Services Senior Specialist)
Others Present:	David Kitson – Bevan Brittan

### 1. **Declarations of interest**

There were no declarations of interest at the meeting.

### 2. **Minutes**

The minutes of the meeting held on 24 October 2023 were agreed as a true record of the meeting.

### 3. **Discussion on various aspects relating to the change in Governance Arrangements**

David Kitson introduced his presentation and set out the options in respect of the role of spokesperson. Those present commented on various issues and made points including the following:

- Could the Chairs and Vice-Chairs of Committees also fulfil the spokesperson role? This would equate to 10 roles in total.
- The Committee system should not reflect the current Cabinet model.
- Could it be written into the standing orders that the Chair of Resources could not be the same as the Chair for the Communities and Environment Committee?
- Chairs should be appointed for a one year term.

## Constitution Working Group - 15 November 2023

- If the spokespersons were appointed in addition to the Chair and Vice-Chair, how would they be briefed?
- Arrangements could be tweaked if they were not working well.
- Did the Leader have to be the Chair of Resources Committee?

David Kitson responded to the points raised and made points including the following:

- It was possible for the Chairs and Vice-Chairs of Committees to carry out the spokesperson role, and would avoid any overlaps.
- The committee model would increase collective decision-making, but an element of decision making would need to be delegated to officers to ensure decisions could be made quickly.
- Spokespeople, if not the Chair and Vice-Chair, would be briefed at the same time as the Chair and Vice-Chair. If the Chairs and Vice-Chairs took the role of spokespersons, this would less resemble a Cabinet model.
- There was no legal requirement for the Chair of Resources to be the Leader, although David indicated he would confirm this after the meeting.
- There were no legal restrictions regarding having the same Chair on both of the main Committees, but it could be written into the standing orders that they could not be the same person.

David then outlined the position in terms of financial thresholds. He set out the current thresholds and introduced proposals for the new structure. Members commented on various aspects, and made points including the following:

- In terms of virements, it was preferable that anything above £25k would need to be agreed in consultation with the Chair of the Resources Committee.
- The existing thresholds, in terms of key decisions were very clear, and could be used as a threshold for things coming before Committee.
- In situations where authority had been given on something previously, but it cost more than initially expected, it could be that delegated authority be given on the initial decision to avoid it having to come back to Committee.

David Kitson responded to some of the points raised, and made points including the following:

- Officers might need the ability to take key decisions in some circumstances. There was a danger of overloading Committees if all key decisions needed to be approved at a committee meeting.
- The current key decision criteria included “likely to be significant in terms of its effects on communities, living or working in an area comprising two or more wards”.

David suggested that he provide further clarity on this matter prior to the next meeting of the Working Group.

David then set out the proposals for the Member Briefing to be held on 11 December.

A Member advised that the chart showing where items would be directed in the new governance arrangements, which had been circulated to the group earlier that day, had been useful. The Chief Executive then asked members to confirm their understanding that if an item was outside the budget framework, it would need consideration by both Resources Committee and Full Council, and if it was within the budget framework, it could be considered at the Communities Committee. David and members confirmed that this was correct. She also asked if at the next meeting, the detailed committee structure could be set out, along with the appropriate Sub-Committees, and that consideration could be given to the implications of having a Shareholders Sub-Committee, in respect of the Folkestone Parks and Pleasure Grounds Charity, Oportunitas, EKSDC and Otterpool Park LLP.

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# Constitution Working Group

Folkestone & Hythe DC

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Agenda Item 4

# From the last meeting

- Committee Chairs will act as “spokespersons” – further discussion required around scope
- Virement thresholds have been agreed as follows:
  - HoPS can vire payroll budget to various budget headings, to facilitate delivery of existing policies
  - Chief Officers can vire within a budget heading, and across budget headings, up to £25k
  - Virements between £25 and £100k to be agreed by relevant Director and s.151 in consultation with relevant Committee Chair
  - Virements over £100k to committee
- Financial limits for committee decisions to be considered further



# Reflections from Member Briefing

- Feedback on the Member Briefing that took place on 11 December 2023

# Financial thresholds for committees

## Draft suggestion

- Unless falling within previous approvals or decisions by full Council or the Resources Committee, or for which authority has been lawfully delegated to Officers, the Resources Committee shall be responsible for decisions:
  - Involving the incurring of expenditure, or the making of savings, which are anticipated to be in excess of £300,000 (with the exception of items previously included in the relevant approved budget);
  - Involving the award of contracts in excess of £500,000;
  - Involving the acquisition or disposal of land with a value in excess of £500,000; or
  - Which are likely to be significant in terms of their effects on communities living or working in an area comprising two or more wards or electoral divisions in the Council's area.
- First Tier Officer can take key decisions where it is impractical for the committee to take the decision because of the urgent nature of the decision to be made

# Summary of the role of the Chair

- Preside over meetings of the committee to ensure:
  - Efficient, lawful and effective decision making
  - Compliance with constitution and standing orders
  - High standards of conduct by members
- In relation to the functions for which the committee is responsible, to:
  - Develop and share expertise and knowledge
  - Act as the political point of contact and provide political focus and leadership
  - Lead the political development of approaches to policy
  - Establish effective working relationships with key officers
  - Represent the interests of the committee in the community and at regional and national levels
  - Liaise with members, partners and other stakeholders as appropriate
  - Periodically present reports and updates to the committee

# Consultation

- No legal requirement for consultation
- If do choose to consult - Gunning Principles
  - Consultation must take place when proposals at formative stage
  - Sufficient information must be given to allow for intelligent consideration and response
  - Adequate time must be given
  - There must be conscientious consideration of responses
- Consultation should be meaningful
- Public consultation on public participation options and democratic accessibility?

# Discussion

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